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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,337	10/16/2003	Steven Tchira	DCW-002	7078
55461	7590	03/22/2006	EXAMINER	
GEORGE A. WILLINGHAN, III AUGUST LAW GROUP, LLC P.O. BOX 19080 BALTIMORE, MD 21284-9080			HARMON, CHRISTOPHER R	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,337

Applicant(s)

TCHIRA, STEVEN

Examiner

Christopher R. Harmon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6 and 8-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Due to applicant's request for reconsideration of 12/24/05, the previous action has been withdrawn. While the language of claim 18 calls for producing an appearance of a generally translucent inner wrap surrounded by a generally transparent outer wrap it is generally agreed with that Bowman does not provide for this appearance. Note that claim 18 does not require both a general inner wrap nor an outer wrap but only the appearance thereof.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-6, 8-10, 12-13, 15, 17 and 18-19 are rejected under 35 U.S.C. 102(a) and (e) as being anticipated by Gilbert (US 6,786,003).

Gilbert discloses a wrap and method comprising: a sheet of material that has intersecting score lines 150, 152, 188, 182, etc. defining a folding sequence (ie. the sheet is wrapped about itself aligning the various lines; see figures 8-11) corresponding to a pre-determined shape (conical) with a plurality of peaked sections 132 along said

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lines for the wrap which comprises an overlapping portion capable of being used as a flower sleeve an appearance of being wrapped by hand.

Gilbert discloses printing instructions or other text along with graphic designs; see column 4, lines 4+. Thus visual indicia are arranged to illustrate the folding sequence as the alignment of the printed matter would guide a person wrapping the sleeve.

Gilbert discloses the use of glues, pin, tabs, etc. for securing the overlapping portions in a predetermined shape; see column 6, lines 1+.

Gilbert discloses inner translucent wrap surrounded by outer transparent wrap; see column 4, lines 35+.

Regarding the shipping limitation of claim 12, the invention to Gilbert is disclosed as a pre-made sleeve which is opened to receive a floral arrangement. The examiner infers from the disclosure that the sleeve was "shipped" after its manufacture.

4. Claims 1-2, 4-6, 8, 11-14, and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Roberts et al. (US 4,917,240).

Roberts et al. disclose a pre-folded flower wrap comprising sheet of material comprising a plurality of scored intersecting lines 114, 140, 147, 182, 106, etc. defining a distinct folding sequence see figure 13; overlapping portions 32; a plurality of peaked sections 18, 50 (see figure 12). The pre-determined folded shape is capable of being used like a flower sleeve to hold a floral arrangement F. The shape is considered having the appearance of being wrapped by hand as the flowers are placed inside an

unfolded/erected shape. Roberts discloses the use of glue and the appearance of a transparent outer wrap; see claim 19.

Claim Rejections - 35 USC § 103

5. Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. '240.

Roberts et al. disclose scoring the material using a die (ie. die-cutting the material) see column 5, lines 65+ however does not specify that the die is a metallic die. The examiner takes OFFICIAL NOTICE that metallic dies are well known in the art and it would have been obvious to one of ordinary skill in the art to use a metallic die for performing the die-cutting operation of Roberts et al.

6. Claims 1- 6, 8-11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman (#6,604,674) in view of Weder (#6,484,442).

Bowman does not disclose the wrapping material to be used for a flower wrap as claimed nor a metallic scoring die. However, Weder shows a sheet of material with an unfolded position fig 1 and a second folded position; see figure 3. Weder shows a plurality of lines 28 to fold the sheet in a pre-defined sequence. Weder shows a generally conical shape as claimed with overlapping portions 48a and peaked sections 86; see figures 7-9. Weder also disclose visual indicia, which include printing instructions (col 3 lines 25+) and fastening means 30 as claimed. The indicia 28 directs the operator to provide fold pleats at predetermined portions (col 5 lines 45+) which reads on the markings being arranged to compliment the folded shape of the sheet.

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Weder discloses that it is known to use dies to form flower wraps (col 1 lines 42+). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Bowman with a flower wrap as taught by Weder to form a desired product that is known and within the realm of one of ordinary skill in the art. Regarding the step of shipping the wrap Bowman discloses using the packaging material in order to give as a gift thus conveying/shipping the secured pre-folded wrap/packaging.

Regarding claim 6, Bowman shows an open top and bottom predetermined shape when the flaps are not folded as shown in figure 7.

7. Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weder (#6,484,442) in view of Bowman (#6,604,674).

Weder discloses a method for making a pre-folded flower wrap comprising folding a sheet of material along a plurality of lines 28 with a distinct folding sequence corresponding to a pre-determined folded shape with overlapping portions 48a and a plurality of peaked sections 86; see figures 7-9. The various portions are secured into shape via bonding material 30.

Weder does not directly disclose lines 28 intersecting, however Bowman discloses forming intersecting score lines prior to folding packaging material. It would have been obvious to one of ordinary skill in the art to form intersecting lines as taught by Bowman in the invention to Weder in order to form a desired shape ie. shorter overlapping portion. Regarding the limitation of shipping the secured wrap, Bowman

discloses using the packaging material in order to give as a gift thus conveying/shipping the secured pre-folded wrap/package.

Regarding claim 13, it would have been obvious to one of ordinary skill in the art at the time the invention was made to score the modified sheets of Bowman using a metallic die because scoring sheets using a metallic die is taken to be admitted prior art (see Final Rejection of 2/10/05).

Regarding claim 15, Bowman does not disclose how the material is scored, however the examiner recognizes that simultaneous scoring of a plurality of sheets is well known in the art and hereby takes Official Notice that it would have been obvious to one of ordinary skill in the art at the time the invention was made to score a plurality of the sheets in a simultaneous manner.

Response to Arguments

8. Regarding the combination of Weder '442 and Bowman '674, the examiner maintains the previous rejection. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Weder and Bowman disclose inventions for wrapping/package materials. The printed instructive indicia of Bowman would be generally available to one of ordinary skill in the art using the invention to Weder.

As discussed in the interview of 12/22/05 the examiner suggests to incorporate specific claim language regarding the structural elements of the instant invention and specific manipulative process steps relating the portions of the wrap to one another. Note that during patent examination, the claims are given the broadest reasonable interpretation consistent with the specification. See *In re Morris*, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997). See MPEP § 904.1. Broad limitations such as “providing an appearance of...”; “pre-determined shape”; “defining a distinct folding sequence”; etc. should be outlined more specifically in order to differentiate over the prior art of record.

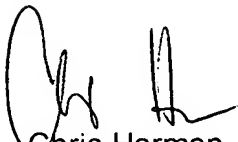
Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Harmon whose telephone number is (571) 272-4461. The examiner can normally be reached on Monday-Friday from 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Chris Harmon", is positioned above the printed name.

Chris Harmon
Patent Examiner